THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition (M/S) No. 95 of 2006

Shri Vimal Ahuja, S/O Shri J.R. Ahuja,
Resident of 13/1, Balbir Road,
District Dehradun. … **Petitioner.**

Versus

1. Court of Civil Judge (Sr. Div.)/FTC-3 Dehradun,
2. Sri Ram Kumar S/O Sri Nanu Ram,
3. M/S MES Limited Venkatesh Bhawan,
   212, Sahapur Jat New Delhi through its Director.
4. ONGC Limited through its Regional Director KDM
   IPE, Kaulargarh Road, Dehradun.

… **Respondents.**

Sri B. P. S. Mer, learned counsel for the petitioner.
Sri Nand Prasad, learned Standing Counsel for the respondent no. 1

Dated February 16, 2006

Hon'ble B.S. Verma, J.

Heard.

By means of this writ petition the petitioner prays for issue of a writ, order or direction directing the respondent no. 1 to decide the Suit No. 659 of 1996, Vimla Ahuja Vs. Ram Kumar and others, pending disposal in that court, expeditiously.

According to the petitioner, he filed Civil Suit No. 659 of 1996 against Ram Kumar arraying respondent nos. 3 and 4 as proforma defendants on 10.10.1996 for a decree of mandatory injunction with alternative prayer for recovery of Rs. 1,19,974.80 along with interest in the court of Civil Judge (Sr. Div.) Dehradun. Written Statements were filed by the defendant-respondents after a long time in the year 1998 and respondent no. 2 preferred counter claim and issues were framed on 15.7.1998. According to the petitioner, the respondent no. 2 is adopting delay tactics to linger-on the proceedings by taking frequent adjournments. The examination-in-chief of the petitioner was recorded on 18-7-2001 and 10-10-2001 but

due to deliberate intention of the respondent no.2, no further proceedings in the suit could take place since then. The suit is pending for the last more than nine years and the petitioner-plaintiff is suffering loss.

Considering the facts and circumstances of the case and the material placed on record, direction for expeditious disposal need to be issued to the respondent no. 1.

The Civil Judge (Sr. Div.), F.T.C.-3, Dehradun is directed to expedite decision of the Civil Suit No. 659 of 1996, Vimal Ahuja Vs. Ram Kumar and others, pending disposal before him, preferably within a period of six months.

With the above observation, the writ petition is disposed of finally.

(B. S. Verma, J.)

16.02.2006
RCP